

# Office Action Summary

Application No.

09/964,898

Applicant(s)

WATANABE ET AL.

Examiner

Jerome Grant II

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2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 33-60 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-38,41-54 and 56-60 is/are rejected.
- 7) ☒ Claim(s) 39,40 and 55 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☒ Certified copies of the priority documents have been received in Application No. 08/677,824.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

JEROME GRANT II  
PRIMARY EXAMINER

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### Detailed Action

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 33, 38, 41-54 and 56-60 are rejected under 35 USC. 102(e) as being anticipated by Tsai.

With respect to claim 33, Tsai teaches an image pickup apparatus (figure 3) comprising: a protection cover operation device 250 which operates a protection cover 25 openable and closable to protect an image pickup optical system 100; and a detection device (dialog box) which detects whether or not said image pickup apparatus is in an exterior connection state in which said apparatus is functionally connectable to an exterior device (102) see also col. 6, lines 9-28.

With respect to claim 34, see figure 3.

With respect to claim 35, see figure 3. The cover is open in figure 3 and closed in figure 9.

With respect to claim 36, see figure 3.

With respect to claim 37, see figure 9.

With respect to claim 38, see figure 9.

With respect to claims 41 – 43, the detection device is the dialog box and the image pickup apparatus is in the exterior connection state by an input of a signal indicating the connection with said exterior device (102), this is taught at col. 6, lines 9-28.

With respect to claims 44-46, see col. 5, line 42- col. 6, line 4. and col. 6, line 1-28.

With respect to claim 47, the signal processing device is computer 102 in combination with the imaging device 250 for the converting optical signals into electrical signals.

With respect to claim 48, the signal processing device is computer 102 in combination with the imaging device 250 for recording the optical signal.

With respect to claim 49, see computer 102.

With respect to claim 50, Tsai teaches, an image pickup apparatus 250 functionally connectable to an exterior device 102, comprising:  
a protection cover operation device 250 which operates a protection cover 25 openable and closable to protect an image pickup optical system 100; and a detection device

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(dialog box) which detects whether or not said image pickup apparatus is in an exterior connection state in which said apparatus is functionally connectable to an exterior device (102) see also col. 6, lines 9-28.

With respect to claims 51 and 53, Tsai teaches the dialog box for inputting a signal relating the starting and finishing of the image pickup operation and the protective cover. See figures 3 and 9.

With respect to claims 52 ad 54, Tsai teaches the dialog box provides the signal for closing the protection cover by detection of a input signal during a predetermined time (nano-seconds or after the operator provides the instruction through the dialog box, for example), after the imaging operation is complete.

With respect to claim 56, see figure 10.

With respect to claim 57, note that the optical data is recorded in at least the memory of computer 102.

With respect to claim 58, see computer 102 as the exterior device.

With respect to claim 59, Tsai teaches a method for controlling an image pickup apparatus having a protection cover operation device which operates a closable and openable protection cover 254 for protecting an optical system enclosed in housing 250, comprising:

image pickup apparatus (figure 3) comprising: a protection cover operation device 250 which operates a protection cover 25 openable and closable to protect an image pickup optical system 100; and a detection device (dialog box) which detects whether or not

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said image pickup apparatus is in an exterior connection state in which said apparatus is functionally connectable to an exterior device (102) se also col. 6, lines 9-28.

With respect to claim 60, Tsai teaches , Tsai teaches a method for controlling an image pickup apparatus having a protection cover operation device which operates a closable and openable protection cover 254 for protecting an optical system enclosed in housing 250 and functionally connectable to an external device (102), comprising: image pickup apparatus (figure 3) comprising: a protection cover operation device 250 which operates a protection cover 25 openable and closable to protect an image pickup optical system 100; and a detection device (dialog box) which detects whether or not said image pickup apparatus is in an exterior connection state in which said apparatus is functionally connectable to an exterior device (102) se also col. 6, lines 9-28.

#### Claims Objected

Claims 39, 40 and 55 are objected as containing allowable subject matter.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerome Grant II whose telephone number is 703-305-4391. The examiner can normally be reached on Mon. -Fri. from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore, can be reached on (703) 308-7452. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

J. Grant II  
Sept. 30, 2002

JEROME GRANT II  
PRIMARY EXAMINER